

Court of Appeals, State of Michigan

ORDER

People of MI v Lawrence Darrell Jones

Docket No. 288490

LC No. 07-001204-FC

Pat M. Donofrio
Presiding Judge

Kathleen Jansen

Henry William Saad
Judges

In lieu of granting the delayed application for leave to appeal, pursuant to MCR 7.205(D)(2) the Court orders that the portion of the sentence that ordered defendant to pay attorney fees is VACATED. The Court further orders that defendant's motion to remand to the trial court for resentencing is GRANTED.

The trial court erred in ordering defendant to pay attorney fees without first assessing defendant's ability to pay. *People v Dunbar*, 264 Mich App 240; 690 NW2d 476 (2004). On remand, the trial court shall address defendant's current and future financial circumstances and foreseeable ability to reimburse the county for attorney fees before determining whether defendant should pay those fees. At the trial court's discretion, the decision may be made based on the record without the need for a formal evidentiary hearing. *Id.*

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

DEC 03 2008

Date

Sandra Schultz Mengel
Chief Clerk